

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER HIRAM CANO,

Plaintiff,
-against-

CHRISTINE HANNA, *et al.*,

Defendants.

21-CV-7338 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, appearing *pro se* and seeking to proceed *in forma pauperis* (IFP), brings this action asserting that Defendants violated his rights. At the time that Plaintiff filed this complaint, he was detained at the North Infirmary Command on Rikers Island.¹ On March 15, 2022, Plaintiff filed a letter requesting copies of documents (ECF No. 7), and on March 18, 2022, the Clerk's Office mailed a letter to Plaintiff, advising him of the fees required to process his request. On March 30, 2022, the court's letter was returned to the court with a notation on the envelope indicating "Return to Sender, Attempted – Not Known, Unable to Forward." Plaintiff has failed to notify the court of a change of mailing address, and has not initiated any further contact with the court, written or otherwise.

Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001); see *Fields v. Beem*, No. 13-CV-0005 (GTS/DEP), 2013 WL 3872834, at *2 (N.D.N.Y. July 24, 2013) ("A plaintiff is required to notify the Court when his address changes, and failure to do so is sufficient to justify dismissal of a plaintiff's

¹ A review of the New York City Department of Correction Inmate Lookup Service reveals that Plaintiff was "Released to State Hospital" on August 4, 2022. See <https://a073-ils-web.nyc.gov/inmatelookup/pages/home/home.jsf>.

complaint.”) (collecting cases). Accordingly, the Court directs Plaintiff to update his address of record within 30 days of the date of this order. Should Plaintiff fail to comply with this order, the Court will dismiss the action without prejudice for failure to prosecute.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 31, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge